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JPA/462

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jean-Marie VOGEL et al.

Application No.: 09/528,989

Group Art Unit: 1619

Filed: March 20, 2000

Examiner: L. Wells

INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 96762992

**RECEIVED**

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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**



Assistant Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 24, 2001 of the Primary Examiner finally rejecting claims 1-51 of the above-identified application.

The item(s) checked below are appropriate:

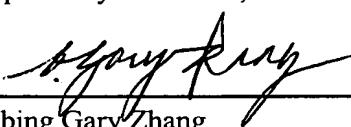
1.  An extension of time for responding to the final rejection for three (3) months:
  - was filed on
  - is submitted herewith.
2.  A timely response to the final rejection has been filed.
3.  A fee in the amount of \$320.00 is:
  - Required.
  - Not required (Fee paid in prior appeal).
4.  Applicant has qualified for the 50% reduction in fee for an independent inventor, non profit organization or small business concern and a fee in the amount of \$160.00 is:
  - Required.
  - Not required (Fee paid in prior appeal).
5.  Please charge the required fee, if any, to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.

03/26/2002 MGEBREM1 00000068 161150 09528989

02 FC:219 160.00 CH

Respectfully submitted,

Date March 25, 2002

  
Beibing Gary Zhang

47,331

(Reg. No.)

For: Anthony M. Insogna (Reg. No. 35,203)

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enclosure